

MINUTES OF THE  
GATLINBURG MUNICIPAL BOARD OF ZONING APPEALS  
March 28, 2019  
THURSDAY, 3:00 P.M., CITY HALL

MEMBERS PRESENT

Joe Waggoner  
Kenny Maples  
Cyndi Bowling

MEMBERS ABSENT

Jack Miller, Jr.  
Ron Smith

OTHERS PRESENT

Joe Shults  
Elena Shults  
Kimberly Marshall  
David Marshall  
Justin Cormier  
Robert Just  
John Thor  
Rebecca Thor-Marlin  
Robert Threatt

Staff Representatives:      David Ball, Building & Planning Director  
   Penny Douglas, Executive Secretary

Chairman Mr. Joe Waggoner called the meeting to order at 3:00 P.M. Mr. Kenny Maples, made a motion to approve of the minutes of the February 28, 2019 meeting, and Mrs. Cyndi Bowling, seconded the motion.

**Staff Report**

No Report

**Old Business**

**Review and consideration for a front and side yard setback variance and a variance from Article IV, Section 402 being the “Off-Street Automobile Parking” Provisions, for a single family dwelling to be located at 545 Baskins Creek Road, Tax Map 126M, Group A, Parcel 029.00, R-1 Zone, requested by Arron Threatt.**

Staff presented the request and noted that the request consist of a 10.5’ front yard setback variance from the 25’ front yard setback requirement leaving a 14.5’ front yard area; a 5’ side yard setback variance from the required 15’ side yard area leaving a 10’ side yard setback area; and a variance from Article IV, Section 402 being the “Off-Street Automobile Parking” provisions to allow a single parking space for a single bedroom unit. Staff noted that the previous dwelling that was located on this property was destroyed in the 2016 Wildland Fires.

Staff explained that the site plan depicts that the proposed house footprint will be located in the previous house footprint and that the structure will be located approximately 23’ from the edge of the public street. Staff added that the reduction of the required number of parking spaces does not appear to have any impact to any adjoining property or public right-of-way as the previous structure and site only utilized a single parking space for the single bedroom unit. Staff noted that the property is small in area with only 3,405 square feet of lot area and that the majority of the property is extremely steep especially in the rear portion of the lot. The front portion of the property is impacted with a Special Flood Hazard Area.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting “aye.”

**Review and consideration for a front yard setback variance for a single family dwelling to be located at 551 Baskins Creek Road, Tax Map 126M, Group A, Parcel 31.03, R-1 Zone, requested by Rebecca Thor and Steve Malin.**

Staff presented the request for an 18' front yard setback variance from the required 25' setback leaving a 7' front yard setback area for a proposed single family dwelling. Staff noted that the previous dwelling that was located on the property was destroyed in the 2016 Wildland Fires.

Staff explained that the property line is located in the center of Baskins Creek and therefore the proposed structure will be located across the stream area approximately 18' to 20' away from the public street area. Staff noted that there is minimum impact to the public right-of-way area. Staff noted that the lot area is extremely steep in the rear portion of the property (in excess of 30% slope) and the front portion of the property is impacted with the Special Flood Hazard Area of Baskins Creek stream.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for variance to Article V, Section 503, being "One Principal Dwelling on a Lot," to reconstruct a second dwelling at 210 Pine Street, Tax Map 127I, Group D, Parcel 037.00, R-1 Zone, requested by David and Kimberly Marshall.**

Staff presented the request for a variance from Article V, Section 503, being the "One Principal Dwelling on a Lot" Provisions, to reconstruct a second dwelling at 210 Pine Street that previously existed prior to the 2016 Wildfires. Staff noted that the dwelling was not reestablished within the 2-year deadline period and therefore required a variance if it is to be reestablished as previously existed on the property as a second dwelling. Staff noted that the foundation has been evaluated by a structural engineer and determined that it is suitable to reconstruct a single story with a loft back on the existing foundation.

Staff explained that the Zoning Ordinance provisions of Article V, Section 503 are designed to limit the number of dwellings on properties and to maintain density of development for the various zoning districts. The allowable density for the property is .5 or a maximum of 10,890 square feet of floor area. The approximate proposed square footage is 2,648 square feet of floor area which would result in a .24 floor area ratio, approximately half of what is permitted. The property is established with two (2) utility services and a shared driveway for two structures so the request does not appear to have any negative impact on any adjoining property or public right-of-way areas. Staff added that the proposed structure is to be reconstructed on the same footprint as previously existed. Staff stated that the average property slope according to the survey information is 45% except in the areas of the proposed buildings.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a front and side yard setback variance for a single family residence to be located at 569 Baskins Creek Road, Tax Map 126M, Group D, Parcel 2.00, R-1 Zone, requested by Stanley Lowe.**

Staff presented the request for an 8' - 9" front yard setback variance from the required 25' setback leaving a 16' - 3" front yard setback area for a proposed addition to a single family dwelling that is under construction. The previous dwelling that was located on the property was destroyed in the 2016 Wildland Fires. Staff stated that a front yard setback variance was granted on July 27, 2017 for the current portion of the structure that exists on the property however, that the owners have requested to place an additional section of building that resulted into an additional encroachment. Staff explained that the previous structure that existed prior to the wildland fires was located in the approximate location of the proposed addition but was 2 to 4 feet closer to the front property line boundary. Staff added that the proposed structure should have no more impact than the previous building and will be located approximately 46' from the centerline of Baskins Creek Road. Staff stated that the property is steep in the rear portion of the property and is impacted with the Baskins Creek Special Flood Hazard Area in the front yard area.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a rear yard setback variance for a single family dwelling to be located at 674 Woodland Drive, Tax Map 127H, Group D, Parcel 2.00, R-1 Zone, requested by Brian Hogue.**

Staff presented the request for a 15' rear yard setback variance from the required 20' rear yard setback area leaving a 5' rear yard area for the reconstruction of a single family dwelling that was destroyed in the 2016 Wildland Fires. Staff noted that an existing retaining wall is currently located within 5' of the rear property line and served as the edge of the carport area that existed for the structure prior to the fires. Staff noted that the property adjoining the lot in the rear area is City of Gatlinburg property which is located on East Parkway at the Service Center. Staff explained that the City's property is extremely steep and only accessible from East Parkway so the proposed request will have no impact on the adjoining property.

Staff noted that the property is very steep in the areas outside of the existing driveway and house seat. Staff explained that the property house seat and driveway are existing and in the most practical location, requiring the structure to be relocated would create more land disturbance issues. After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," for a single family dwelling to be located at 1126 Greenbrier Village Lane, Lot #10, Tax Map 127B, Group A, Parcel 010.00, C-2 Zone, requested by Joe Shults.**

Staff presented the request and noted that it consists of a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions for "Lot 10" in the Greenbriar Subdivision located on Greenbriar Village Lane. Staff explained that the variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite. Staff noted that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Greenbriar Village Lane" is a short cul-

de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street will have little or no impact to the neighboring properties and use of the public right-of-way. The lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1208 Briar Patch Lane, Lot # 21, Tax Map 127B, Group A, Parcel 021.00, C-2 Zone, requested by Joe Shults.**

Staff noted that this request consist of a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements for "Lot 21" in the Greenbriar Subdivision located on Briar Patch Lane. The variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite and to allow two (2) points of ingress and egress on a lot with frontage less than 100' in width. Staff explained that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Briar Patch Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street and the additional point of ingress and egress will have little or no impact to the neighboring properties and use of the public right-of-way. Staff also noted that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1211 Briar Patch Lane, Lot #17, Tax Map 127B, Group A, Parcel 017.00, C-2 Zone, requested by Joe Shults.**

Staff stated that the request consist of a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions for "Lot 17" in the Greenbriar Subdivision located on Briar Patch Lane. The variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite. Staff stated that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Greenbriar Village Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street will have little or no impact to the neighboring properties and use of the public right-of-way. Staff added that the lot area is small and slopes in the rear portion of the lot which limits the structure and areas for parking to the front yard areas.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a front yard setback variance and a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1122 Greenbrier Village Lane, Lot #12, Tax Map 127B, Group A, Parcel 012.00, C-2 Zone, requested by David Angotti.**

Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements for "Lot 12" in the Greenbrier Subdivision located on Greenbrier Village Lane. The request also involves a front yard setback variance consisting of a 5'-0" encroachment into the required 15' front yard setback area, leaving a 10'-0" front yard setback area. Staff stated that the variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite and to allow two (2) points of ingress and egress on a lot with frontage less than 100' in width. Staff noted that the five (5) foot encroachment is the entry porch area to the structure. The entry will be located more than 20' from the edge of the public street. While the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Greenbrier Village Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the encroachment, backing into the street and the additional point of ingress and egress will have little or no impact to the neighboring properties and use of the public right-of-way. Staff noted that the lot area is narrow and small which limits areas on the property for parking and turnaround.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a front yard setback variance and a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1124 Greenbrier Village Lane, Lot #11, Tax Map 127B, Group A, Parcel 011.00, C-2 Zone, requested by David Angotti.**

Staff stated that the request consist of a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements for "Lot 11" in the Greenbrier Subdivision located on Green Briar Village Lane. The request also involves a front yard setback variance consisting of a 6'-10" encroachment into the required 15' front yard setback area, leaving an 8'-2" front yard setback area. Staff explained that the variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite and to allow the ingress and egress point to be increased from a maximum of 26' to a width of 31' which is a 5 foot variance. Staff stated that the setback encroachment primarily consist of the front entry porch area and a small section of the building located on the southwest side of the structure. The proposed encroachment will be located more than 25' off of the paved City Street edge. While

the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Green Briar Village Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the encroachment, backing into the street and the additional width of the point of ingress and egress will have little or no impact to the neighboring properties and use of the public right-of-way. Staff stated that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1210 Briar Patch Lane, Lot #20, Tax Map 127B, Group A, Parcel 020.00, C-2 Zone, requested by Phillip Derosia.** Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements for "Lot 20" in the Greenbriar Subdivision located on Briar Patch Lane. The variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite and to allow more than one (1) point of ingress and egress for lot frontage of less than 100'. Staff added that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Briar Patch Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street and the additional point of ingress and egress will have little or no impact to the neighboring properties and use of the public right-of-way. Staff explained that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1118 Greenbrier Village Lane, Lot #14, Tax Map 127B, Group A, Parcel 014.00, C-2 Zone, requested by Phillip Derosia.**

Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements for "Lot 14" in the Greenbriar Subdivision located on Greenbriar Village Lane. The variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite and to permit the ingress and egress point to be increased from 26' to 27' in width. While the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Greenbriar Village Lane" is a short

cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street and one (1) foot increase in the ingress and egress point, will have little or no impact to the neighboring properties and use of the public right-of-way. Staff noted that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a front yard setback variance and a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," and a variance from Article IV, Section 408, being the "Ingress and Egress" Requirements, for a single family dwelling to be located at 1120 Greenbrier Village Lane, Lot #13, Tax Map 127B, Group A, Parcel 020.00, C-2 Zone, requested by Phillip Derosia.**

Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions and Article IV, Section 408 being the "Ingress and Egress" requirements and a front yard setback variances from Article VIII, being the "Area, Yard and Height Requirements for "Lot 13," in the Greenbriar Subdivision located on Green Briar Village Lane. Staff stated that the request consist of a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions to allow backing into the public street for turnaround and a variance from Article IV, Section 408 being the "Ingress and Egress" requirements to permit a one (1) foot increase to the maximum 26' width for the ingress and egress point to a total width of 27.'

Staff noted that the five (5) foot setback encroachment primarily consist of the front entry porch area on the south side of the structure. The proposed encroachment will be located more than 20' off of the paved City Street edge. While the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Greenbriar Village Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the encroachment, backing into the street and the additional width of the point of ingress and egress will have little or no impact to the neighboring properties and use of the public right-of-way. Staff added that the property is long and narrow with sloping contours in the rear portion of the property.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," for a single family dwelling to be located at 1215 Briar Patch Lane, Lot #18, Tax Map 127B, Group A, Parcel 018.00, C-2 Zone, requested by Phillip Derosia.**

Staff presented the is request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions for "Lot 18" in the Greenbriar Subdivision located on Briar Patch Lane. Staff added that the variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite. While the property is zoned commercial, the area is not very conducive to

commercial development and in general, the area has been developed as residential. The public street "Briar Patch Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street will have little or no impact to the neighboring properties and use of the public right-of-way. Staff noted that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mrs. Cyndi Bowling, made a motion to approve the request and Mr. Kenny Maples, seconded the motion which was unanimously approved withal members voting "aye."

**Review and consideration for a variance from Article IV, Section 402, being the "Off-Street Parking Requirements," for a single family dwelling to be located at 1212 Briar Patch Lane, Lot #19, Tax Map 127B, Group A, Parcel 019.00, C-2 Zone, requested by Phillip Derosia.**

Staff presented the request for a variance from Article IV, Section 402 being the "Off-Street Automobile Parking" provisions for "Lot 19" in the Greenbriar Subdivision located on Briar Patch Lane. The variance request is to specifically allow the onsite parking to back into the public street for vehicle turnaround in the C-2 General Business District rather than provide the turnaround onsite. Staff explained that while the property is zoned commercial, the area is not very conducive to commercial development and in general, the area has been developed as residential. The public street "Briar Patch Lane" is a short cul-de-sac street with limited number of lots, low traffic speeds, and site distances are unimpeded. Based on these factors, the backing into the street will have little or no impact to the neighboring properties and use of the public right-of-way. Staff noted that the lot area is small and very shallow which limits areas on the property for parking and turnaround.

After a brief discussion, Mr. Kenny Maples, made a motion to approve the request and Mrs. Cyndi Bowling, seconded the motion which was unanimously approved withal members voting "aye."

**Petitions and Communications from the Public**

There were no petitions or communications from the public.

**Unscheduled Item**

There were no unscheduled items

**Adjournment**

The meeting was unanimously adjourned at approximately 3:35 p.m. after a motion by Mr. Kenny Maples and a second by Mrs. Cyndi Bowling.

**Approved by:**

  
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**MBZA CHAIRMAN**

4.25-19  
\_\_\_\_\_  
**DATE**